

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW HAMPSHIRE

IN RE: Merrill, Lawrence & Caroline  
Debtors

Case #09-12012-JMD  
Chapter 13

ORDER CONFIRMING CHAPTER 13 PLAN  
AND  
ORDER SETTING DEADLINES FOR CERTAIN ACTIONS

After notice and due consideration regarding the confirmation of the Debtors' Chapter 13 Plan, the Court finds that the Plan complies with all provisions of the United States Bankruptcy Code and that it is in the best interests of all creditors, the Debtors and the estate.

It is hereby ORDERED that the Debtors' Chapter 13 Plan dated May 29, 2009 is confirmed as filed or as modified at the plan confirmation hearing, subject to (i) resolution of actions to determine the avoidability, priority, or extent of liens, (ii) resolution of all disputes over the amount and allowance of claims entitled to priority, (iii) resolution of actions to determine the allowed amount of secured claims, and (iv) resolution of all objections to claims. Terms of the Debtors' Plan not expressly modified by this order are incorporated in this order and made a part hereof by reference.

**I. The Court retains jurisdiction to make such other and further orders as may be necessary or appropriate to effectuate the plan and this order.**

A. The Debtors shall make payments of \$560.00 per month for 60 months, commencing June 29, 2009. The total of all Plan payments will be \$33,600.00. In addition, any annual tax refunds received in excess of \$2,000.00 shall be remitted to the Chapter 13 Trustee as additional Plan payments.

B. The Plan is confirmed on an interim basis to provide payment to secured and priority creditors pursuant to their timely filed claims. The Trustee is authorized to make distributions to such creditors from plan payments with percentage fee. The amount available for allowed unsecured claimants will be determined following notice and hearing after the bar date for filing claims has passed.

**C. The claims as of the date of this motion are as follows:**

- |   |           |
|---|-----------|
| 1. CitiMortgage (residential first mortgage arrearage per Plan;<br>subject to Proof of Claim being filed) | 20,520.00 |
| 2. Chapter 13 Trustee's fees and expenses   | 3,360.00  |

**D. Secured claims with regularly scheduled payments to be made directly by the debtors:**

CitiMortgage (residential first mortgage re 154 South Road, North Hampton, New Hampshire)

First Horizon Home Loans (residential second mortgage re 154 South Road, North Hampton, New Hampshire)

Bank of America (auto loan re 2006 Ford Freestar)

**II. Special Provisions:**

N/A

**III. It is FURTHER ORDERED as follows:**

A. If the Plan contemplates litigation or the sale of assets as a source of funding, the Debtors shall file application(s) to employ the necessary professionals within 30 days of the date of this order.

B. As soon as practicable after the claims bar date, but no later than 90 days thereafter, the Debtors or the Trustee shall file a Motion to Allow Claims and, if warranted, a Motion to Avoid Judicial Liens. Upon entry of an Order on such motion(s), the Plan shall be deemed amended to conform to the Order. If the Motion to Allow Claims is not filed within that time, the Court may order the Debtor to show cause why the case should not be dismissed or converted or why an order should not enter allowing all claims as filed. Failure to file a motion seeking avoidance of judicial liens within the time provided by this paragraph does not bar such a motion at a later time.

C. Except as otherwise addressed in the Motion to Allow Claims, all objections to claims, all actions to determine the avoidability, priority or extent of liens, all actions concerning the allowance or amount of claims entitled to priority under Sec. 507, and all actions to determine value of collateral pursuant to Sec. 506, shall be filed no later than 30 days after the Motion to Allow Claims.

**ORDER:**

After due consideration, the Debtors' Plan dated May 29, 2009 is hereby confirmed.

/s/ J. Michael Deasy

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Bankruptcy Judge

August 5, 2009

# CERTIFICATE OF NOTICE

District/off: 0102-1  
Case: 09-12012

User: cmw  
Form ID: pdf929

Page 1 of 1  
Total Noticed: 18

Date Rcvd: Aug 05, 2009

The following entities were noticed by first class mail on Aug 07, 2009.

db/jdb +Lawrence D. Merrill, Caroline K. Merrill, 154 South Rd., North Hampton, NH 03862-2008  
2002545 American Express, PO Box 2855, New York, NY 10116-2855  
2026108 American Express Centurion Bank, c/o Becket and Lee LLP, POB 3001, Malvern PA 19355-0701  
2002547 Bank of America, PO Box 15026, Wilmington, DE 19850-5026  
2002546 Bank of America, PO Box 15184, Wilmington, DE 19850-5184  
2032683 +CAPITAL ONE BANK (USA), N.A., C/O TSYS DEBT MANAGEMENT (TDM), PO BOX 5155,  
NORCROSS, GA 30091-5155  
2002548 Capital One Bank, PO Box 30285, Salt Lake City, UT 84130-0285  
2002549 Chase Cardmember Services, PO Box 15153, Wilmington, DE 19886-5153  
2002550 Citi Cards, PO Box 44167, Jacksonville, FL 32231-4167  
2002551 Citimortgage, Inc., PO Box 689196, Des Moines, IA 50368-9196  
2002553 First Horizon Home Loans, PO Box 31, Memphis, TN 38101-0031  
2002554 +Hometown Oil, Attn: Julianne Estes, 755 Banfield Rd., Portsmouth, NH 03801-5647  
2002555 +Law Offices of Randall Pratt, 1 Cate St., Portsmouth, NH 03801-7108  
2002556 NCO Financial Systems, Inc., PO Box 15773, Wilmington, DE 19850-5773  
2002557 Weltman, Weinberg & Reis, PO Box 93596, Cleveland, OH 44101-5596  
2002558 Zwicker & Associates, PC, 80 Minutemand Rd., Andover, MA 01810-1008

The following entities were noticed by electronic transmission on Aug 05, 2009.

2002552 E-mail/PDF: mrdiscen@discoverfinancial.com Aug 05 2009 20:05:23 Discover Bank, PO Box 8003,  
3311 Mill Meadow Dr., Hilliard, OH 43026  
2020082 E-mail/PDF: rmscedi@recoverycorp.com Aug 05 2009 20:05:18  
Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120,  
Miami, FL 33131-1605

TOTAL: 2

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Aug 07, 2009

Signature:

